IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 5TH JANUARY 2007 / 15TH PAUSHA 1928

WP(C).No. 327 of 2007(L)

PETITIONER:

MISHAJ T.M., S/O.MURALI,
THOTTUNGAL HOUSE, ELAMAKKARA P.O.,
EDAPPILLY VILLAGE, KANAYANNUR TALUK.

BY ADV. SRI.M.Y.VARGHESEKUTTY
SHEEJA SHERIDAN

RESPONDENTS:

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1. THE BRANCH MANAGER,
THE ERNAKULAM DISTRICT CO-OPERATIVE BANK LTD.,
KALOOR.

2. THE MANAGER, THE ERNAKULAM DISTRICT
CO-OPERATIAVE BANK LTD., KAKKANAD.

BY ADV. P.V. SURENDRANATH FOR R1 AND R2

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M.JAMES, J.

W.P.(C). 327/2007

Dated this the 5th day of January, 2007

JUDGMENT

The writ petitioner is the defaulter of the first respondent, bank, however, when the matter was taken up in Adalath, held at Ernakulam on 8.7.2006, it was settled between the parties for an amount of Rs.1,55,000/-. It was further directed that an amount of Rs.20,000/- be paid on 31.7.2006, and the balance amount on 31.1.2007, filing which the entire amount shall be recovered with the contractual rate of interest.

2. The writ petitioner is before this Court praying that because of the contingencies faced by the writ petitioner, the amount, settled in the Lok Adalath as stated above, could not be paid and, therefore, two months time may be granted to pay the settled award amount.

3. I heard the arguments advanced by the learned counsel for the respondents 1 and 2. Considering the

facts of this case, I direct the writ petitioner to remit the entire amount to the first respondent, as settled by the Lok Adalath, on or before 31.3.2007. In case of any default in making the payment of the same, the first respondent shall be at liberty to proceed against the writ petitioner, according to the Kerala Co-operative Societies Act and Rules, thereunder.

The writ petition is disposed of as above.

J.M.JAMES
JUDGE

mrcs